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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Peter Wilding et al.
Serial No. : 10/646,678
Filing Date : August 22, 2003
Examiner : Christopher L. Chin
Group Art Unit : 1641
Entitled : Device and Method for the
Detection of an Analyte
Utilizing Mesoscale Flow
Systems

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Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on October 22, 2004 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Caren Burgoon

Caren M. Burgoon

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Commissioner for Patents
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TERMINAL DISCLAIMER RESPONSIVE TO
OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION
(37 C.F.R. §1.321 (C))

Dear Sir:

Trustees of the University of Pennsylvania, assignee
of the entire right title and interest in and to the above-

identified patent application (hereinafter "the '678 application), by virtue of an assignment from the applicants of great-great-grandparent application, U.S. Patent Application No. 07/877,702, which was recorded in the United States Patent and Trademark Office June 18, 1992, at Reel 6144, and Frame 0905, through their undersigned attorney, acting pursuant to the authorization provided in 37 C.F.R. §1.321 (b), hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the '678 application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, of the following patents, of which Trustees of the University of Pennsylvania, as assignee, is the owner of the entire right, title and interest: U.S. Patent No. 5,296,375 issued March 22, 1994; U.S. Patent No. 5,304,487 issued April 19, 1994; U.S. Patent No. 5,486,335 issued January 23, 1996; U.S. Patent No. 5,498,392 issued March 12, 1996; U.S. Patent No. 5,587,128 issued December 24, 1996; U.S. Patent No. 5,726,026 issued March 10, 1998; U.S. Patent No. 5,744,366 issued April 28, 1998; U.S. Patent No. 5,955,029 issued September 21, 1999; U.S. Patent No. 6,660,517 issued December 9, 2003; U.S. Patent No. 5,637,469 issued June 10, 1997; U.S. Patent No. 5,866,345 issued February 2, 1999; and U.S. Patent No. 6,551,841 issued April 22, 2003, and the terminal part of the statutory term of any patent granted on the '678 application, which would extend beyond the expiration

date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on the following copending patent application of which Trustees of the University of Pennsylvania, as assignee, is the owner of the entire right, title, and interest: U.S. Patent Application No. 10/348,438 filed January 21, 2003. The undersigned attorney hereby agrees that any patent so granted on the '678 application shall be enforceable only for and during such period that it and the aforementioned U.S. Patents and any patent granted on the aforementioned copending U.S. Patent Application are commonly owned. This agreement is to run with any patent granted on the '678 application and is binding upon the grantee, its successors or assigns.

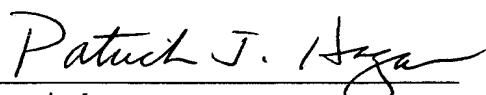
In making the above disclaimer, the undersigned attorney does not disclaim the terminal part of any patent granted on the '678 application that would extend to the expiration date of the full statutory term, as defined in 35 U.S.C. 154 to 156 and 173, of the aforementioned U.S. Patents as presently shortened by any terminal disclaimer, and of any patent granted on the aforementioned copending patent application, as shortened by any terminal disclaimer filed prior to the patent grant in the event that any of the aforementioned U.S. Patents or any patent granted on the aforementioned copending patent application: expires for failure to pay a maintenance fee, is held unenforceable, is

found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any manner or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed in the aforementioned U.S. Patents, or as shortened by any terminal disclaimer filed prior to the grant of a patent on the aforementioned copending patent application, except for the separation of legal title stated above.

Attached is a check in the amount of \$110.00 in payment of the fee required in 37 C.F.R. §1.321.

The Commissioner is also authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Deposit Account No. 04-1406. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Patrick J. Hagan
Reg. No. 27,643
Attorney for Applicant

PJH:cmb
Enclosures